(Ireland.)

A

B I L L

To repeal so much of an Act of the Parliament of Ireland of the Twenty-third and Twenty-fourth Years of King GEORGE the Third, "for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, and who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured," as relates to the making of Satisfaction to the Parties injured, and to substitute other Provisions in lieu thereof.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS by an Act passed in the Parliament of Ireland in the Session holden in the twenty-third and twenty-fourth years of the reign of his late Majesty King GEORGE the Third, intituled, "An Act for the more effectually punishing such Persons as shall by Violence obstruct the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured," it is amongst other things enacted, that if any persons unlawfully, riotously and tumultuously assembled together, shall at any time after the passing of the said Act wilfully and maliciously pull down, demolish, set fire to or destroy, or shall begin to pull down, demolish, set fire to or destroy any store-house, mill, granary, corn-stack or other place where corn, grain, meal, malt, flour or potatoes are usually stored, or kept for exportation or sale, or shall unlawfully enter or break into or unlawfully attempt to enter or break into, any such storehouse, mill, granary, or other place, or take, carry away, throw abroad or spoil, or attempt by force to take, carry away, throw abroad or spoil, any corn, meal, malt, flour or potatoes, which shall be stored or kept therein,

Preamble: 23 & 24 Geo. 3, c. 20 (Irish) s. 1.

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therein, or shall unlawfully enter on board any ship, vessel or boat wherein any corn, grain, meal, malt, flour or potatoes shall be laden, and wilfully take, carry away, cast overboard, destroy or damage any of the said articles laden therein, or wilfully cut, injure, spoil or take away the said ship, vessel or boat, or the rigging, furniture, tackle or rudder thereof, or any part of such ship, vessel or boat, rigging, furniture or tackle, or unlawfully, wilfully and by force obstruct or prevent or endeavour to obstruct or prevent the loading or carrying any of the said articles on board any ship, vessel or boat, or shall unlawfully, wilfully and by force prevent or endeavour to prevent any ship, vessel or boat laden therewith, or in which any of said articles shall be laden, from sailing, or shall unlawfully, wilfully and knowingly, and by force stop, seize, detain, take or drive away any horse, car, cart, carriage or boat laden with any of the said articles on the way to or from any mill, store, granary or market, sea-port or place of shipping, with a view or intent to prevent the corn, grain, meal, malt, flour, bread, biscuit or potatoes therein, or laden thereon, or any part thereof, from being taken to the house, vessel, storehouse, place or person to which it was intended to be carried, or shall wilfully kill or maim any horse or horses, or other beast or beasts laden therewith, or shall wilfully and forcibly cut or otherwise break or destroy any of the sacks, or scatter or throw abroad any of the aforesaid articles wherewith such car, cart, carriage, horse or boat is or shall be laden, or take away or distribute, or compel the owner, driver or conductor thereof to distribute, sell or otherwise dispose of any such article wherewith such car, cart, carriage, boat, horse or other beast is laden, or any part thereof; or shall wilfully destroy any weir, sluice, mill-dam, drain, or outwork belonging or appertaining to any mill; every such person so offending in any of the said matters, and all persons unlawfully, riotously or tumultuously assembled who shall aid or assist in the commitment or the attempting to commit any of the said offences, being thereof lawfully convicted, shall be adjudged felons, and shall suffer such punishment as in the said Act provided;

Sect. 2. and that all damages which shall be sustained by means of any of the offences aforesaid, or by any violence committed against or contrary to the said Act, shall and may be recovered by action to be brought in any of his Majesty's courts of record in this kingdom (wherein no essoign, protection, wager of law or imparlance shall be allowed) by the person or persons injured, his, her or their executors or administrators, against the chief or any other magistrate of the county of the town or city, if the said injury or violence shall have been committed in the county of a town or city, or against any one or more of the inhabitants of the parish in any county, if the said injury or violence shall have been committed in any parish not being in a county of a town or city; and if on such action judgment shall be given for the plaintiff or plaintiffs, the damages recovered on such judgment, together

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together with the costs, shall be levied as thereinafter directed, and paid to the plaintiff or plaintiffs, his, her or their executors or administrators:

And whereas great expenses are incurred in proceeding by action at law in pursuance of the provisions of the said recited Act, and it is expedient that such damages should be recoverable by shorter, less expensive and more summary proceedings; **Be it therefore Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the *passing of this Act*, so much of the said recited Act as provides that any damages sustained by means of any of the offences therein stated, or by any violence committed against, or contrary to, the said recited Act, may be recovered by action to be brought in any of Her Majesty's courts of record in Ireland, against the chief or any other magistrate of any county of a town or city, or against any one or more of the inhabitants of any parish in any county, or as relates to the proceedings in any such action, or to the recovery of such damages, shall be and is hereby repealed, save and except as to any action or proceeding heretofore commenced for any such damages sustained by any such offence or violence heretofore committed.

1. Repeal of so much of recited Act as relates to recovery of Damages.

And be it Enacted, That all damages which shall at any time after the *passing of this Act* be sustained by any person or persons by means of any of such offences against the said recited Act, or by any violence committed against or contrary to the same, shall and may be recovered by like applications and proceedings, and by like presentments of the grand jury of the county, county of a city or county of a town in which any such offence or violence shall have been committed, and subject to like traverses, and subject to like provisions, and in like manner in all respects as by an Act of the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in Ireland," or by an Act of the seventh and eighth years of the reign of Her present Majesty, intituled, "An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of Dublin," respectively is or are provided in relation to the application for or recovery of compensation for losses or damages sustained by any person or persons by means of the mischievously or wantonly setting fire to, burning or destroying any house, outhouse or other building, or any haggard, corn, hay, straw or turf, or the maliciously setting fire to, burning or sinking any boat or barge laden with corn or other provisions, or the maliciously killing, maiming, houghing or injuring any horse,

2. Damages sustained by means of Offences against recited Act to be recovered, as Damages are recovered under Grand Jury Acts.

6 & 7 W. 4. c. 116, s. 135, &c.

7 & 8 Vic., c. 106, s. 122, &c.

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horse, mule, ass or swine, or any horned cattle or sheep, or the maliciously damaging, injuring or destroying any bank, gate, lock, weir, sluice, bridge, dam, or other work belonging to any person, public canal or navigation: and the provisions of the said two last-mentioned Acts respectively shall be accordingly applied for the recovery of compensation for damages sustained by means of any of such offences as aforesaid against the said first-recited Act: Provided always, That in the case of any of such offences committed in the county of the city of Dublin, compensation for damages sustained by any person or persons by means thereof shall and may be recovered in like manner in all respects as by an Act of the fourth and fifth years of the reign of Her present Majesty, intituled, "An Act for extending to the County of the City of Dublin the Provisions of an Act passed in the nineteenth and twentieth Years of his late Majesty King GEORGE the Third, in Ireland, intituled, 'An Act to prevent the detestable Practices of houghing Cattle, burning of Houses, Barns, Haggards and Corn, and for other Purposes, so far as relates to burning of Houses,'" is provided in relation to the malicious burning of houses, barns, haggards, corn, or other articles or effects.

Case of the City of Dublin.

4 & 5 Vic., c. 10.

3. Actions, &c. commenced for recovery of Damages to be discontinued, and such Damages to be recovered by Presentment.

And be it Enacted, That after the *passing of this Act* it shall be lawful for any person or persons against whom any action shall have been commenced or prosecuted before the passing of this Act, and shall be now pending, for the recovery of any damages sustained by means of any offence or violence committed contrary to the said first-recited Act, to apply at any time before the trial to the Court in which such action shall have been commenced or prosecuted, or to any Judge of any of the Superior Courts at Dublin, for an order that such action shall be discontinued, upon payment of the costs thereof theretofore incurred, such costs to be taxed according to the form of such Court; and every such Court or Judge, upon such application, shall make such order as aforesaid; and upon the making of such order and payment or tender of such costs as aforesaid, such action shall be forthwith stayed and discontinued; and thereupon, after such stay of proceedings, it shall be lawful for the person or persons who shall have so commenced or prosecuted such action, or his or their executors or administrators, to proceed to recover such damages, and to recover the same by presentment of the Grand Jury, in the same manner as in the immediately preceding provision respectively directed: Provided always, That it shall not be necessary for such person or persons to serve or post any notice of his intention to apply for compensation for any such damages upon any person or persons, save that he or they shall lodge with the secretary of the respective Grand Jury, as applications for public works are required to be lodged, an application, setting forth the loss or damages sustained, and the amount thereof, and setting forth the time and place when and where such injury was done,

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done, and the particular property injured; which application shall be scheduled by the secretary of the Grand Jury, and, subject as aforesaid, be dealt with, as near as may be, as other applications for compensation for damages in other cases.

4. Act to extend only to Ireland.

And be it Enacted, That this Act shall extend only to Ireland.

5. Act may be amended, &c. this Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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